



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

August 22, 2017

Laurie Windler
Camp Bow Wow Franchising, Inc
8820 West 116th Circle
Broomfield, CO 80021

Notice of Warning and Cease and Desist Letter

Re: Violation of N.C. General Statute §19A-28 and Title 02 N.C. Administrative Code (NCAC), Chapter 52J, Section .0204(e).

AWS-WL-2017-19

Facility: Camp Bow Wow Concord
License No. 11228

Dear Ms. Windler:

The records of the Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") indicate that the license for Camp Bow Wow Concord (License No. 11228) located at 8010 Myint Lane NW, Concord NC, expired on June 30, 2017. Additionally, AWS records indicate that, since June 30, 2017, you have continued to operate Camp Bow Wow Concord as a boarding kennel without a valid license.

The AWS office has contacted this facility both by mail and by telephone concerning this matter.

Despite these contacts, AWS has not received a boarding kennel renewal application for this facility. As the kennel has failed to submit a renewal application, this facility has been, and is currently operating as a boarding kennel without a license, which is a violation of N.C. General Statute §19A-28. Therefore, you are directed to cease operations of this boarding kennel immediately.

During a facility inspection on August 21, 2017, the kennel was observed to be operating as a boarding kennel without a license.

Additionally, at the time of the facility inspection, the staff of the facility attempted to have the AWS Inspector wait in the lobby area while they reduced the number of dogs in the common areas. On April 1, 2016, you sent an email stating that the AWS Inspector would "be welcomed into the back of the camp immediately upon arrival." Despite your assurances, this facility again attempted to hold the inspector at the front while reducing the number of dogs in the common areas.

By the time the Inspector was able to walk into the play areas, despite the attempts of the staff, the supervision ratios were still out of compliance with 02 NCAC 52J .0204(e). The kennel staff had managed to reduce the number of dogs in one common area to meet the 10:1 supervision ratio. The remaining 3 common areas were out of compliance having supervision ratios of 18:1, 15:1 and 16:1.

During the facility inspection on August 21, 2017, the facility manager acknowledged that she knew that the common areas were not compliant blaming it on staffing levels.

Based on the results of the facility inspection on August 21, 2017, the kennel is in violation of N.C. General Statute §19A-28 violation and Title 02 N.C. Administrative Code, Chapter 52J, Section .0204(e).

This Warning Letter serves as written notice indicating in which respects the kennel has violated the NC Animal Welfare Act and the rules issued pursuant thereto. The kennel has 5 business days to complete the renewal application and return it to this office at the address listed below. In the meantime, the kennel is to cease boarding operations until the boarding kennel license has been renewed.

Continued or future violation of these statutes or regulations may result in the assessment of a civil penalty of up to \$5,000.00 per violation pursuant to N.C. General Statute §19A-40 and will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in refusal to issue or renew your facility's license or suspension or revocation of an existing license pursuant to N.C. General Statute §19A-30.

Additionally, N.C. General Statute §19A-33 makes operating an unlicensed boarding kennel a Class 3 misdemeanor subject to a fine of up to \$25.00 for each day of operation.

Your immediate response to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

REFERENCED STATUTES AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 9; 1987, c. 827, s. 65; 1989, c. 544, s. 18; 2011-145, s. 31.5(b).)

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense. (1977, 2nd Sess., c. 1217, s. 14; 1993, c. 539, s. 315; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.

History Note: *Authority G.S. 19A-24;*
 Eff. April 1, 1984;
 Amended Eff. January 1, 2005; April 1, 1985.

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
 phone: (919) 715-7111 FAX: (919) 733-6431
 e-mail: aws.agr@ncagr.gov
 URL: www.ncaws.com

Inspection Results

Disapproved

Date of inspection

Aug 21, 2017

Type of inspection Annual inspection

Type of runs Indoor runs only

license type 41 - Boarding kennel

License # 11,228

dogs present 84

cats present 0

Number of prim. enclosures

111

35.24074

Latitude

80.42905

Longitude

Camp Bow Wow Concord

Camp Bow Wow Franchising Inc

Name of business

Name of owner

8010 Myint Lane NW Suite 110

Concord

NC

28027

Cabarrus

Street address

City

ZIP code

County

+1 (704) 260-0055

Phone Number

Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	Acceptable	0201 Daily waste removal	Acceptable	0201 Perimeter Fence	Acceptable
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	Acceptable
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	Accept.	0201 Access to AWS employees	Acceptable
Food and bedding protected 0201	Acceptable	0201 Thermometer present	Acceptable	0201 Compliance with welfare	Acceptable
		0201 Animals in windows	Not applicable		

Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	Not Applicable	Location off-site 0101	Not Applicable	Disposition of animals 0101	Not Applicable
0101 Descript. of animals, shelter	Not Applicable			Veterinary treatment, shelter 0101	Not Applicable

Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Acceptable	0102 Description of animals, kennel	Acceptable	0102 Veterinary treatment, kennel	Acceptable

Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	Acceptable	0103 Records match animals	Acceptable	0103 Records kept 1+ year	Acceptable

Signature of
Management

Kristi McGovern

Animal Welfare Section, NCDA&CS Inspection Report, continued		Inspection Results <div style="border: 1px solid black; padding: 5px; text-align: center;">Disapproved</div>		Date of inspection <div style="border: 1px solid black; padding: 5px; text-align: center;">Aug 21, 2017</div>	
<div style="border: 1px solid black; padding: 5px; width: 100%;">Camp Bow Wow Concord</div>		<div style="border: 1px solid black; padding: 5px; width: 100%;">Camp Bow Wow Franchising Inc</div>		<div style="border: 1px solid black; padding: 5px; width: 100%;">Concord</div>	
NC					
Indoor facilities					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0202 Ventilation, indoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0202 Lighting, indoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>
0202 Imperv./Sanitary surf., indoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0202 Drainage, indoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>		
Outdoor facilities					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0203 Housing, 1 per animal	<div style="border: 1px solid black; padding: 2px;">Not Applicable</div>	0203 Protection from elements	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>
0203 Owner advised, outdoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0203 Drainage, outdoor	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>		
Primary enclosures					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 Fence height \geq 5 feet	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 1:10 ratio, person: human	<div style="border: 1px solid black; padding: 2px;">Not Acceptable</div>
0204 Surf. impervious to moisture	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 Enclosure is escape proof	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 Cats, \geq 4 sq. ft. / adult	<div style="border: 1px solid black; padding: 2px;">Not Applicable</div>
0204 Prevent contact with wood	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 Solid resting surface	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 Cats, \leq 12 / enclosure	<div style="border: 1px solid black; padding: 2px;">Not Applicable</div>
0204 Enclosures in sound repair	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 Cats, raised resting surface	<div style="border: 1px solid black; padding: 2px;">Not Applicable</div>	0204 Cats, 1 litter pan / 3 adults	<div style="border: 1px solid black; padding: 2px;">Not Applicable</div>
0204 Size of enclosure	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0204 Dogs, supervision if $>$ 4	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>		
Feeding					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0205 Feeding, 1 bowl / adult	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0205 Feeding, commercial food	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>
0205 Feeding, bowl in good repair	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0205 Feeding, quality food	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0205 Feeding, bowl is protected	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>
0205 Feeding, 2x / day, young	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>				
Watering					
Inspection Category	Result	Inspection Category	Result		
0206 Watering, continuous access	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0206 Watering, bowl in good repair	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>		
Sanitation/Employees/Classification & Separation					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0207 Grounds overgrown	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0207 Young given social interact.	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>
0207 Animals removed while clean	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0207 Pest Control	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>	0207 Species separated	<div style="border: 1px solid black; padding: 2px;">Acceptable</div>
			Signature of Management	Kristi McGovern	

Animal Welfare Section, NCDA&CS
Inspection Report, continued

Inspection Results

Disapproved

Date of inspection

Aug 21, 2017

Camp Bow Wow Concord

Camp Bow Wow Franchising Inc

Concord

NC

Sanitation/Employees/Classification & Separation (continued)

0207 Enclosure sanitized 2x / day	Acceptable	0207 Number of employees	Acceptable	0207 Isolation area & signage	Acceptable
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Acceptable	0207 Long term care program	Acceptable
0207 Build./grnds., clean & repair	Acceptable	0207 Owner perm, commingling	Acceptable	0207 Animals confined	Acceptable
		0207 Young with dam	Acceptable		

Veterinary Care

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	Acceptable	0210 Daily observation of animals	Acceptable	0210 Rabies vaccination	Acceptable
0210 Veterinary care when needed	Acceptable				

Vehicles

0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Not Applicable	0301 Cargo area clean	Not Applicable
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Primary Enclosure Used in Transportation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Not Applicable	0302 Age and species separated	Not Applicable	0302 Size of transport enclosure	Not Applicable
0302 Enclosure clean & sanitized	Not Applicable				

Transportation: Food and Water

Transportation: Care

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Not Applicable	0304 Observation of animals	Not Applicable

Narrative Explanation, if needed

I performed an annual inspection today and found an inadequacy that need to be addressed immediately. The ratio's at time of inspection are as follows: 18:1, 15:1, 16:1 & 10:1

When I arrived and asked for the manager the staff member went to the back area, I waited approximately 3 minutes then went towards the play area's where I observed employees trying remove dogs from the play area's at a frantic pace. When my inspection was complete I asked the manager why staff was running to remove dogs from play area's she said she didn't know. When I advised her of the ratio numbers she stated "I know my numbers are high one of my employees called out today". I told her the ratio numbers must be maintained at all times she stated " what do you want me to do turn dogs away". I told her the 10:1 ratio must followed at all times and I would return at a later date for a re-inspection of this facility. This facility was not in compliance with the 10:1 ratio when I departed. I examined the records for the animals at this facility; they were complete & adequate.

☐ check here if additional pages of narrative are attached

☐ check here if a euthanasia inspection form is attached

Signature of inspector Jay Blatche

Digitally signed by Jay Blatche
DN: cn=Jay Blatche, o=North Carolina
Department of Agriculture, email=jay.blatche@ncagr.org,
c=US

Signature of
Management

Kristi McGovern